

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
E/S Comstock Avenue, 445' +/- N \*  
centerline of Hazelwood Avenue \* ZONING COMMISSIONER  
14th Election District \*  
6th Councilmanic District \* OF BALTIMORE COUNTY  
(5813 Comstock Avenue) \*  
 \* CASE NO. 02-231-A  
Diane & Charles Jakubowski \*  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Diane and Charles Jakubowski, the legal owners of the subject property. The variance request is for property located at 5813 Comstock Avenue in Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed addition (open carport) with a side yard setback of 0 ft. in lieu of the minimum required 7.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

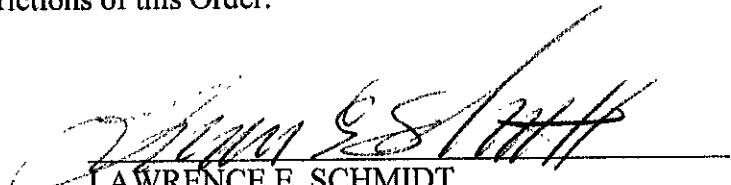
05/02  
R. J. G. [Signature]

upon the Petitioners. It is to be noted, however, that the Office of Planning has recommended that the Petitioners maintain a 1 ft. side yard setback so as to avoid any potential encroachment on the adjoining property as stated in their comments dated January 15, 2002.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted subject to the restrictions listed below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of February, 2002, that the Petitioners' request for variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed addition (open carport) with a side yard setback of 0 ft. in lieu of the minimum required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The poles supporting the carport will be located 1 ft. inside the property line.
3. Downspouts will be placed on the property to direct water away from the adjacent property.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

2/5/02  
  
LES:raj



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

February 6, 2002

Robert J. Sager, Esquire  
UAW-GM Legal Services Plan  
Maritime Center, Suite 210  
6610 Tributary Street  
Baltimore, Maryland 21224-6514

Re: Petition for Administrative Variance  
Case No. 02-231-A  
Property: 5813 Comstock Avenue

Dear Mr. Sager:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:raj  
Enclosure

c: Mr. & Mrs. Charles Jakubowski  
5813 Comstock Avenue  
Baltimore, Maryland 21206

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5813 Comstock Avenue, Baltimore, MD 21206  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.2.1, 301.1 To allow a proposed addition (open carport) with a side yard setback of 0 ft. in lieu of the minimum required 7 1/2 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

## Attorney For Petitioner:

Robert J. Sager

Name - Type or Print

Signature

UAW-GM Legal Services Plan

Company Maritime Center, Suite 210

6610 Tributary Street (410) 633-5600

Address Telephone No.

Baltimore MD 21224-6514

City State Zip Code

## Legal Owner(s):

Charles Jakubowski

Name - Type or Print

Signature

Diane Jakubowski

Name - Type or Print

Signature

5813 Comstock Avenue (410) 866-9308

Address Telephone No.

Baltimore MD 21206

City State Zip Code

## Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 12/15/98 of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 12-03-01

Estimated Posting Date 12-16-01

CASE NUMBER 02-231-A

Revised 9/15/98 - wcr/scj

# Affidavit

## in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5813 Comstock Avenue  
Address  
Baltimore MD 21206  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Please see Attachment to Affidavit in Support of Administrative Variance.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Charles Jakubowski  
Signature

Charles Jakubowski  
Name - Type or Print

Diane Jakubowski  
Signature

Diane Jakubowski  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15<sup>th</sup> day of November, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles Jakubowski and Diane Jakubowski  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of ~~his~~ their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 15, 2001  
Date

Jean E. Bryant  
Notary Public

My Commission Expires January 1, 2004

ATTACHMENT TO AFFIDAVIT  
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The Petitioners would like to construct a carport on the side of their home. Over the years, the Petitioners have noticed that the sun has caused an inordinate amount of damage to their vehicles. Also, the Petitioners have many hobbies that cannot be performed inside of the home and Petitioner Charles Jakubowski suffers from medical conditions that do not allow him to be in the sun for long periods of time. A carport would provide a safe place for the Petitioners to store their cars and continue their hobbies.

In order to have a carport that can be practically used by the Petitioners, the carport must be at least thirteen feet wide. Building a carport this size would violate the Baltimore County Zoning Regulations that require minimum side setbacks and that limit how far a carport may extend into a yard.

However requiring the Petitioners to strictly comply with these requirements would unreasonably prevent the Petitioners from using their land in that:

1. The Petitioners' driveway is fourteen feet wide and abuts the property line. Allowing a carport that is thirteen feet wide would still preserve the integrity of the property line and allow full use of the driveway. Requiring a smaller width carport would deprive the Petitioners of using half of their driveway and would harm the ambience of the neighborhood.
2. Relaxation of the regulations would provide substantial relief to the Petitioners because they would be able to safely work outside of their home and store their cars away from the dangers of the sun.
3. Granting relief to the Petitioners would not substantially injure the public health, safety, or general welfare.

The Undersigned hereby affirm under the penalties of perjury to the Zoning Commissioner of Baltimore County, that the foregoing statements are true and correct to the best of their knowledge, information and belief. The Affiants further acknowledge that if a formal demand is filed, Affiants will be required to pay a re-posting and advertising fee and may be required to provide additional information.

\_\_\_\_\_  
Date

Charles Jakubowski 11-15-01  
Charles Jakubowski

11-15-01  
Date

Diane Jakubowski  
Diane Jakubowski

# 231

*Zoning Description*

*5813 Comstock Ave.*

*Beginning at a point on the East side of  
Comstock Ave. 445 ft ± NORTH of the centerline  
of Hazelwood Ave.*

BEING known and designated as all of Lot #9 as laid out and shown on a Plat entitled "A Resubdivision of Part of Parcel A, Block D, Section 2 of Hazelwood Manor" which Plat is recorded among the Land Records of Baltimore County in Plat Book W.J.R. No. 28, folio 52. The improvements thereon being known as No. 5813 Comstock Avenue.

BEING the same lot of ground which by Deed dated March 17, 2000 and recorded among the Land Records of Baltimore County Liber 0014362, folio 079, was granted and conveyed by James W. Surface, Jr. to Charles Jakubowski and Diane Jakubowski.

Election District: 14

Councilmanic District: 6

#231

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

Cash No. **07749**  
02-231-A

DATE 12-03-01 ACCOUNT R-001-006-6150

AMOUNT \$ 50.<sup>00</sup>

RECEIVED FROM VAW-GM Legal Services Plan

FOR Residential Variance Filing fee  
for # 5813 Comstock Ave.

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME

12/04/2001 12/03/2001 14:40:28

REF 4501 CASHIER JRIC JHR DRUMER 1

>> RECEIPT # 074123 OFLN

DEPT 5 528 ZIMING VERIFICATION

CE NO. 007749

Receipt Tot 50.00

50.00 CK .00 CR

Baltimore County, Maryland

CASHER'S VALIDATION



# CERTIFICATE OF POSTING

RE: Case No.: 02-231-A

Petitioner/Developer: CHARLES

JAKUBOSKI

Date of Hearing/Closing: 12/31/01

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at 5813 Comstock AVE

The sign(s) were posted on 12/16/01  
(Month, Day, Year)

Sincerely,

[Signature]  
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

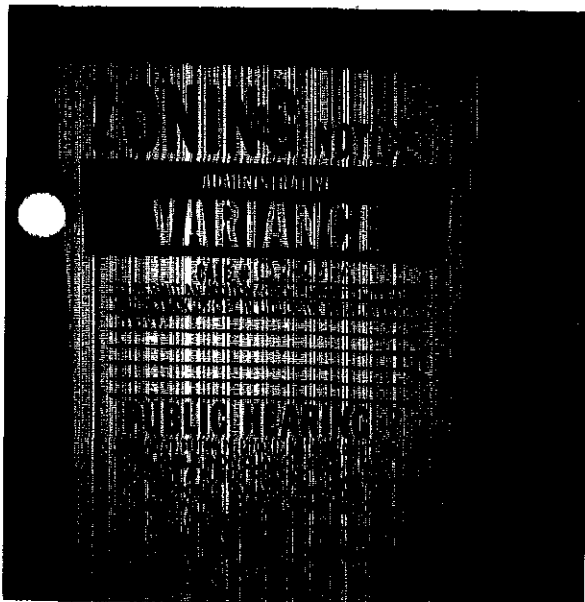
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 02- 231 -A Address 5813 Comstock Ave.  
 Contact Person: John Sullivan Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 12-03-01 Posting Date: 12-16-01 Closing Date: 12-31-01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 02- 231 -A Address 5813 Comstock Ave.  
 Petitioner's Name Charles Jakubowski Telephone (410) 866-9309  
 Posting Date: 12-16-01 Closing Date: 12-31-01  
 Wording for Sign: To Permit an addition (open carport) with a side-  
yard setback of 0 ft. in lieu of the minimum required  
7 1/2 ft.

WCR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

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For Newspaper Advertising:

Item Number or Case Number: 02-231-A

Petitioner: Charles and Diane Jakubowski

Address or Location: 5813 Comstock Avenue, Baltimore, MD 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles and Diane Jakubowski

Address: 5813 Comstock Avenue, Baltimore, Maryland 21206

Telephone Number: (410) 866-9308

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt. **DATE:** January 24, 2002

**FROM:** *RWB* Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 7, 2002  
Item Nos. 221, 222, 224, 225, 226, 227,  
228, 229, (231), 232, 233, 234, 237, 239,  
and 240

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

January 4, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,  
235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** January 15, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 5813 Comstock Avenue

**INFORMATION:**

**Item Number:** 02-231

**Petitioner:** Charles Jakubowski

**Zoning:** DR 5.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning recommends that the petitioner maintain a one (1) foot side yard setback so as to avoid any potential encroachment on the adjoining property.

**Prepared by:** Mark A. Cunniff

**Section Chief:** Jeffrey W. Long

AFK:MAC:

JAN 17 2002



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 1.2.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

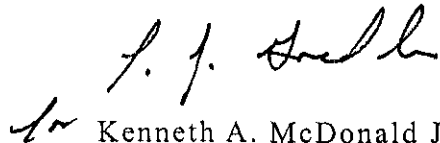
RE: Baltimore County  
Item No. 721 JJS

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

  
for Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 02-231-A

Date Completed/Initials

12-31-01

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



Petition for A ZONING VARIANCE

Property Address: 5813 Comstock Ave.

Subdivision Name: Hazelwood Manor

Plat Book 28 Folio 52 LOT 9 Sect 2

Owner(s): Charles & Diane Jakobowski

Elect. Dist. 14<sup>th</sup>

CO. Dist 6<sup>th</sup>

Zoning: DR-5.5

1" = 200' scale map # NES-E

Public Water & Sewer

NO Prior Hearings

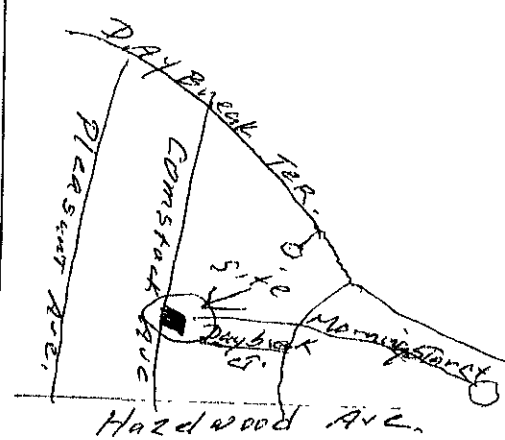
Lot size: 6030

0.138 AC

NOT in Ches. Bay Critical Area

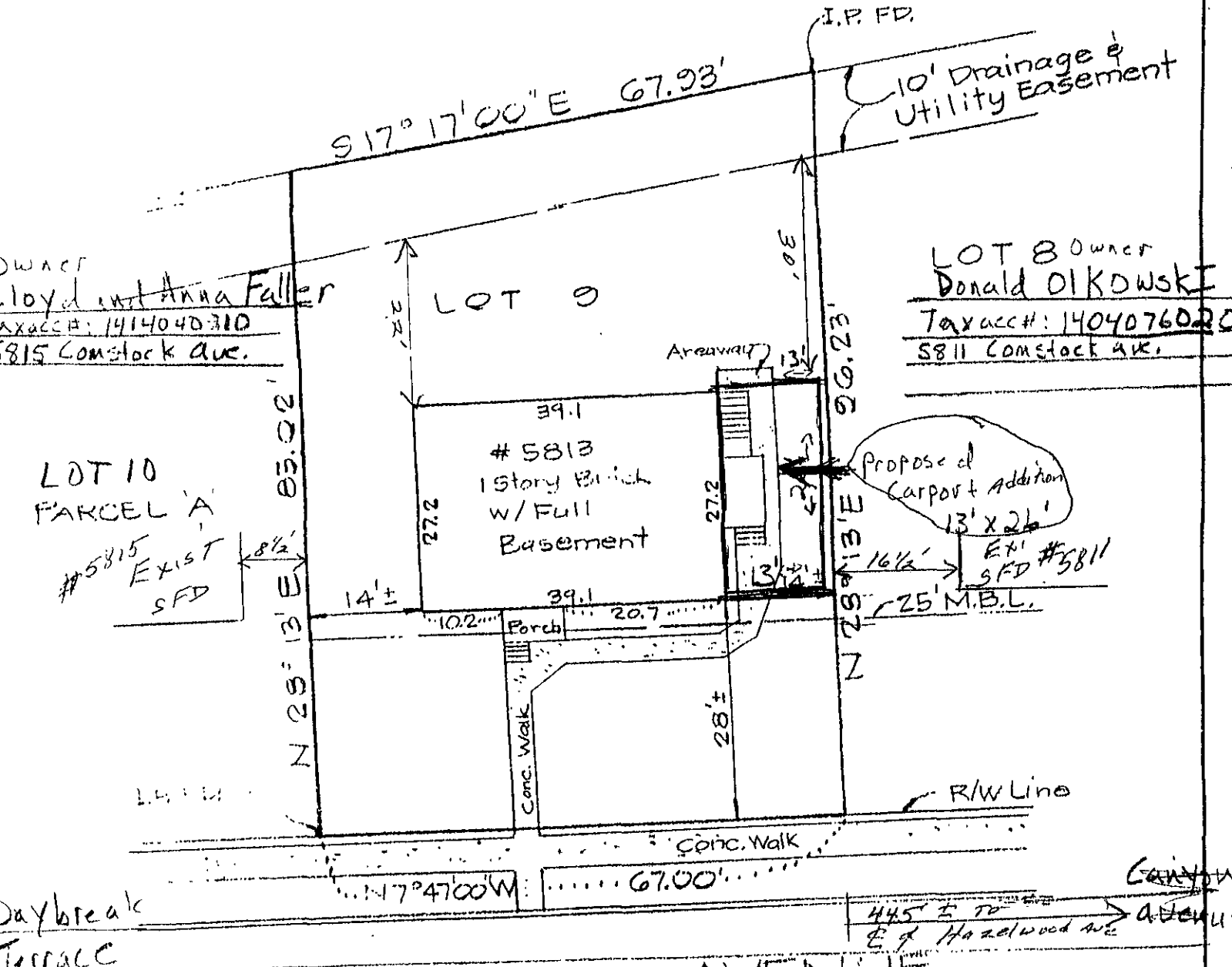
NOT Historic

Vicinity MAP



Property Address: 5813 Comstock Avenue

Subdivision Name: Hazelwood Manor



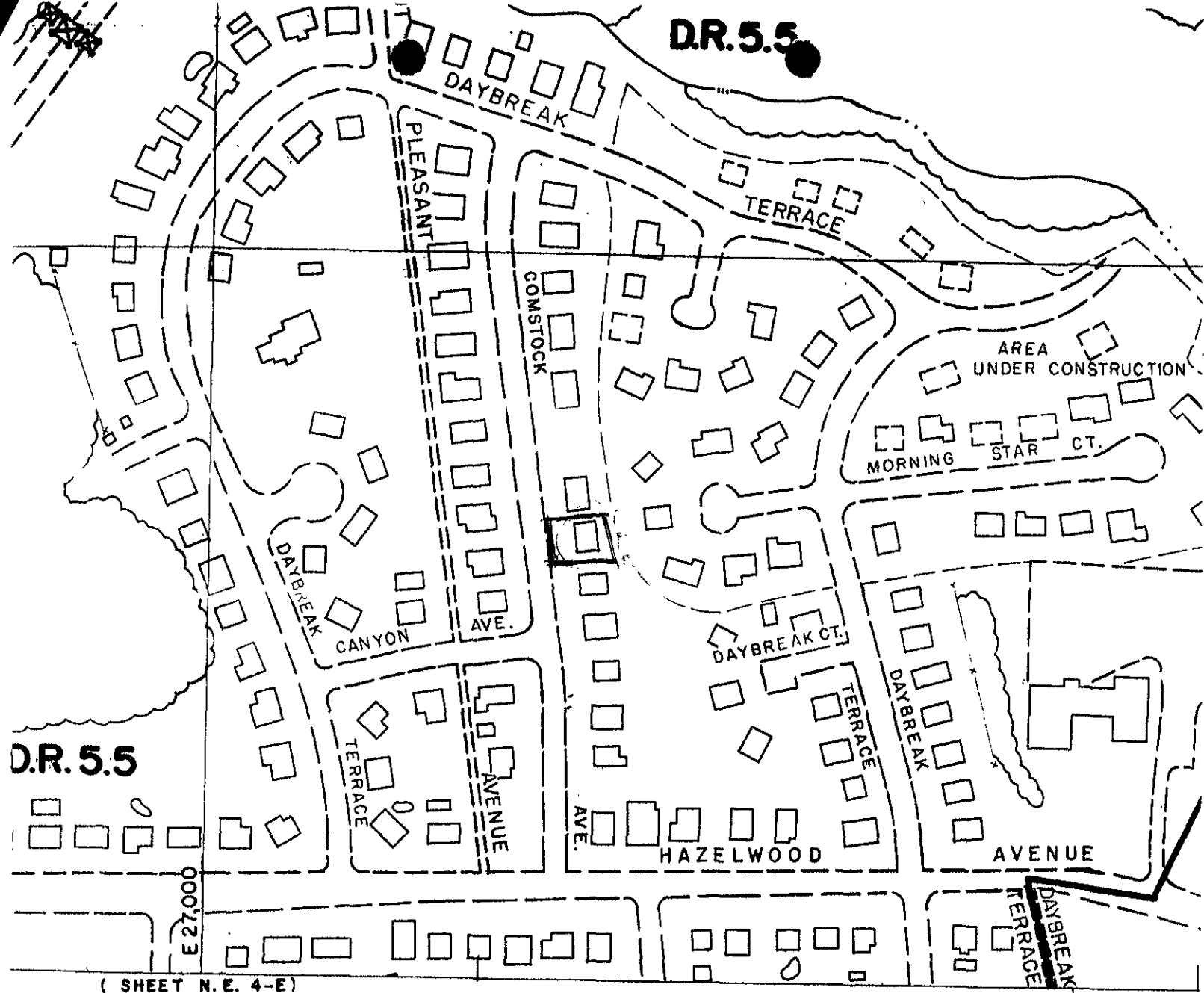
← NORTH  
Pet. #1

PP.  
#231

SHOWN HEREON IS IN FLOOD  
C PER F.E.M.A. FLOOD INSURANCE  
PANEL #240010 0410 B

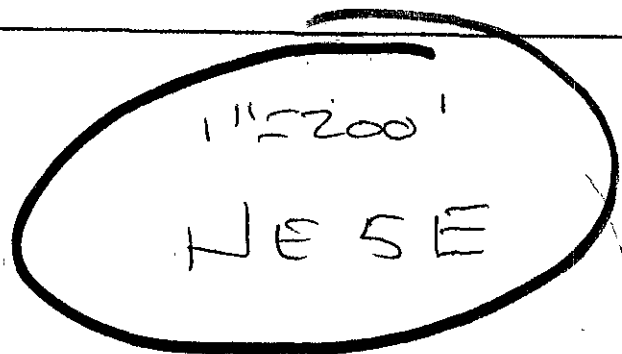
Scale: 1" = 20'

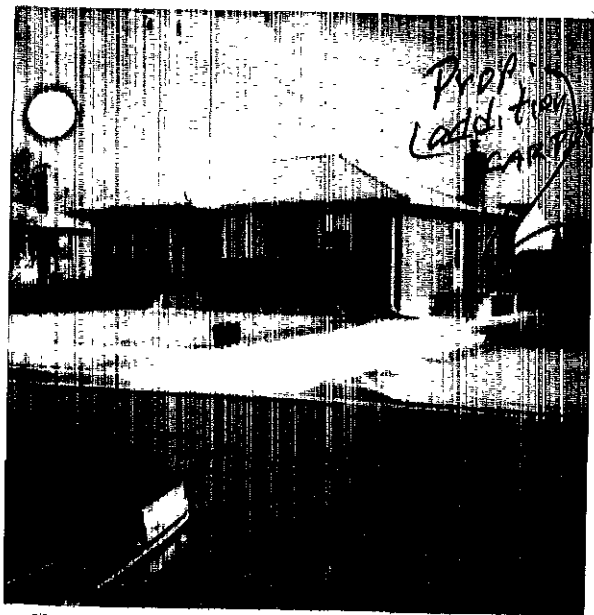
Location Information  
Councilmanic District 6  
Zoning: D.R. 5.5  
Prior Zoning Hearings: None  
Election District: ~~14~~ 14  
RS



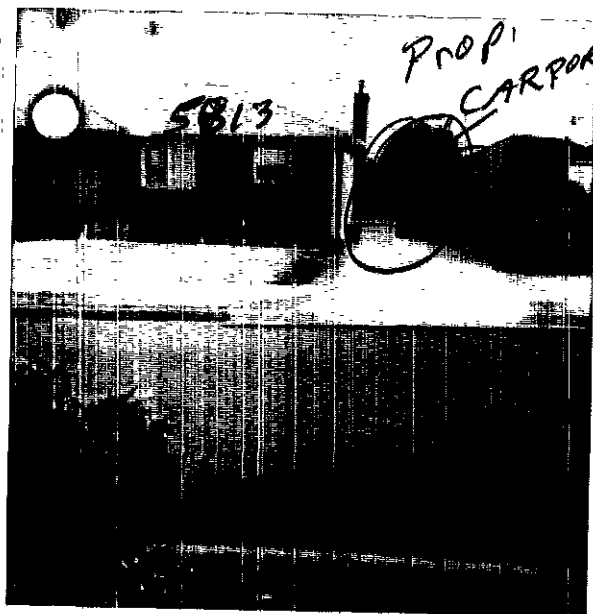
# MORE COUNTY PLANNING AND ZONING L ZONING MAP

#231

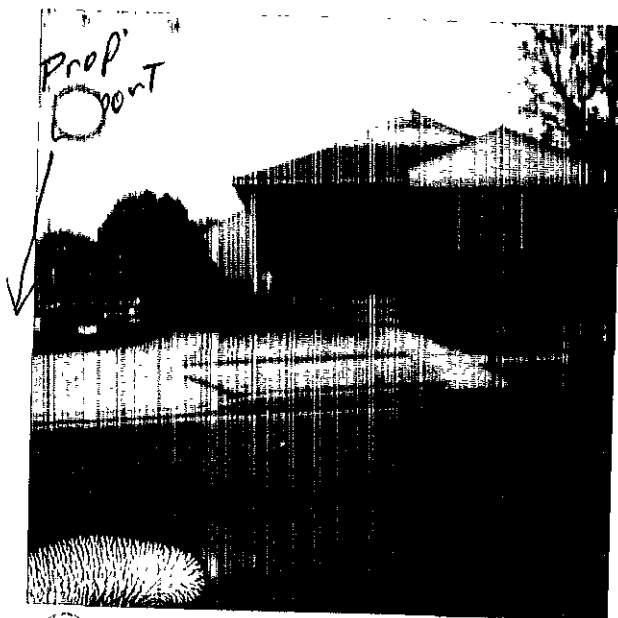




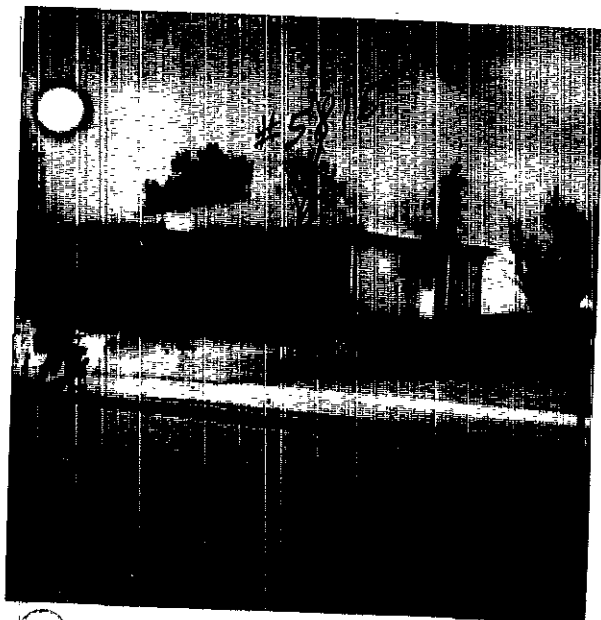
5813 Comstock Ave  
# 231



5813 Comstock Ave  
# 231



6311 Comstock Ave  
Neighbor - RIGHT side  
# 231



6315 Comstock Ave  
Neighbor - Left side  
# 231